

SENATOR ASHFORD: You are not talking about a prima facie case in a criminal action?

SENATOR LINDSAY: That's right.

SENATOR ASHFORD: All right. In order to meet a prima facie case, the plaintiff, in this case it would primarily be the woman, I assume it would be the woman or the guardian of the woman.

SENATOR LINDSAY: The only persons who have standing to sue under the statute are the woman or the legal guardian or parent of the woman, or parent as legal guardian.

SENATOR ASHFORD: Okay, so the plaintiff comes in, files an action, and the action can be filed anonymously under the bill, correct? Is that right? I mean without using the person's name.

SENATOR LINDSAY: It can be filed under a pseudonym.

SENATOR ASHFORD: Okay. Then the plaintiff testifies that the information was not obtained or that the abortion was done not in conformity with the rules and regulations set forth in the statute and that meets the prima facie case, would that be your understanding of what that means?

SENATOR LINDSAY: That would be correct.

SENATOR ASHFORD: Okay, and that is a normal definition of what a prima facie case is. A plaintiff gets up and testifies to the various terms and conditions of a particular cause of action, and then meets the prima facie case, and what that basically means then is that it is up then to the physician or the clinic or the health care professional then to rebut that prima facie case by presenting evidence. John, am I missing some fairness issue here. What if the physician comes in...

SPEAKER BAACK: One minute.

SENATOR ASHFORD: ...and presents a certified copy of a signed informed consent form, should that not also be an absolute defense if the action is based on failure to give information?